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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
555 BAILEY AVENUE , J46/G4
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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,055

Applicant(s)

BELKNAP ET AL

Examiner

HUY T. NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/06, 6/02/03, 6/29/01</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-3,8-9,13-14,20-21,23-24,26-27 and 29-30 objected to because of the following informalities:

Claim 2 , it is not clear if the second computer system is the same second computer system recited in claim 1.

Claim 3 , it is not clear if the first computer system is the same first computer system recited in claim 1.

Claim 8 , it is not clear if the second computer system is the same second computer system recited in claim 7.

Claim 9 , it is not clear if the first computer system is the same first computer system recited in claim 7

Claim 13 , it is not clear if the second computer system is the same second computer system recited in claim 12.

Claim 14 , it is not clear if the first computer system is the same first computer system recited in claim 12.

Claims 17-18, It is not clear whether all steps recited in claims are performed by one and the same computer

Claim 20 , it is not clear if the second computer system is the same second computer system recited in claim 19.

Claim 21 , it is not clear if the first computer system is the same first computer system recited in claim 19.

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Claim 23 , it is not clear if the second computer system is the same second computer system recited in claim 22.

Claim 24 , it is not clear if the first computer system is the same first computer system recited in claim 22.

Claim 26 , it is not clear if the second computer system is the same second computer system recited in claim 25.

Claim 27 , it is not clear if the first computer system is the same first computer system recited in claim 25.

Claim 29 , it is not clear if the second computer is the same second computer system recited in claim 25.

Claim 30 , it is not clear if the first computer system is the same first computer system recited in claim 25.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 18 and 19, there is no clear antecedent basis for "said playback video frames" and "said playback audio frames". It is not clear whether "playback video frames" and "playback audio frames" being referencing to "associated playback video frame" recited at lines 9-10 or associated "playback audio frame" lines 11-12 or to "encoded playback video frames" lines 13 or "encoded playback audio frame" line 13.

In claim 1, lines 20-27, there is no clear antecedent basis for "said playback video frames" and "said playback audio frames". It is not clear whether "playback video frames" and "playback audio frames" being referencing to "encoded playback video frame" or "encoded playback audio frame" or to "decoded playback video frames" or "decoded playback audio frame", See lines 18-19.

In claim 7, lines 12-13, there is no clear antecedent basis "said playback audio frames". Is "playback audio frame" being referencing to "encoded audio frames" or decoded audio frames.

In claim 12, lines 23-34, there is no clear antecedent basis for "said playback video frames" and "said playback audio frames".. It is not clear whether "playback video frames" and "playback audio frames" being referencing to "encoded playback video frame" or "encoded playback audio frame" or to "decoded playback video frames" or "decoded playback audio frame".

In claim 17, lines 15-17, there is no clear antecedent basis for "said playback video frames" and "said playback audio frames". It is not clear whether "playback

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video frames” and “playback audio frames” being referencing to “associated playback video frame” or “associated playback audio frame” lines 11-12 or to “encoded playback video frames” lines 13 or “encoded playback audio frame” line 13.

In claim 17, lines 19-32, there is no clear antecedent basis for “said playback video frames” and “said playback audio frames”. It is not clear whether “play back video frames” and “playback audio frames” being referencing to “encoded playback video frame” or “encoded playback audio frame” or to “decoded playback video frames” or “decoded playback audio frame”.

In claim 18, lines 9, there is no clear antecedent basis “said playback audio frames”. Is “playback audio frame” being referencing to “encoded audio frames” or associated audio frames “

In claim 18, lines 11-18, there is no clear antecedent basis “said playback audio frames”. It is not clear whether “playback audio frames” being referencing to “encoded playback audio frame” or “decoded playback audio frame”. See line 9.

In claim 19, lines 18-19, there is no clear antecedent basis for “said playback video frames” and “said playback audio frames”. It is not clear whether “play back video frames” and “playback audio frames” being referencing to “associated playback video frame” or “associated playback audio frame” or to “encoded playback video frames” or “encoded playback audio frame” line 13.

In claim 19, lines 20-35, there is no clear antecedent basis for “said playback video frames” and “said playback audio frames”. It is not clear whether “play back

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video frames” and “playback audio frames” being referencing to “encoded playback video frame” or “encoded playback audio frame” or to “decoded playback video frames” or “decoded playback audio frame”.

In claim 22, lines 12, there is no clear antecedent basis “said playback audio frames”. Is “playback audio frame” being referencing to “encoded audio frames” or associated audio frames “

In claim 22, lines 13-20 , there is no clear antecedent basis “said playback audio frames”. It is not clear whether “playback audio frames” being referencing to “encoded playback audio frame” or “decoded playback audio frame”.

In claim 25, lines 20-24 , there is no clear antecedent basis for “said digital video frames , digital audio frames , said “playback video frames” and “said playback audio frames”.

In claim 25, it s not clear how the encoded digital video stream and encoded digital audio stream are accessed from a first computer and downloaded to a second computer and how associated encoded playback video frame and associated encoded playback audio frame are generated or formed since there is no means or circuit recited in the claim to perform accessing, downloading the encoded digital video stream audio stream and forming the encoded playback video frame and audio frame . It is not clear whether the decoding is performed by the first computer system, second computer system or the computer system.

In claim 28, lines 10-11, there is no clear antecedent basis for "said digital video frames, digital audio frames, said "playback video frames" and "said playback audio frames".

In claim 28, it is not clear how the encoded digital video stream and encoded digital audio stream are accessed from a first computer and downloaded to a second computer and how "associated encoded playback audio frame" is generated or formed since there is no means or circuit recited in the claim to perform accessing, downloading the encoded digital audio stream and forming the encoded playback audio frame. It is not clear whether the decoding is performed by the first computer system, second computer system or the computer system.

Allowable Subject Matter

4. Claims 1-32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach encoding associated playback audio frame from encoded digital audio stream using a first computer, playing the audio playback frames for trick mode, switching playing the playback audio frames to playing the audio frames, matching playing of the digital audio frames with the location of playing of the playback audio frames using a second computer as recited in claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suzuki and Nakano teaches apparatus for generating playback video frames used for a trick play mode .

6. Articles CA,CB,CC,CD cited in PTO 1448 page 1 of IDS filed 6/21/01 have not been considered by Examiner since the articles do not include Authors and dates.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY T. NGUYEN
PRIMARY EXAMINER